

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PROGRESSIVE AMERICAN INSURANCE  
COMPANY,

Plaintiff,

v.

CAROL THORN; JOLEEN LEEA COLON;  
DALE EUGENE KIRKINDOLL; ELIZABETH  
S. KIRKINDOLL; THOMAS HOLT  
KIRKINDOLL; JAMES W. GRIFFIN; SANDRA  
L. GRIFFIN; PATRICK A. BELT;  
CHRISTOPHER B. BELT; GENE  
STEGMAIER; ESTATE OF WILLIAM R  
KLAUSS, a deceased minor, LV STABLE  
MEMORIAL HOSPITAL; DRPT. LAKE  
REHABILITATION CENTER; BUTLER  
COUNTY EMERGENCY MEDICAL  
SERVICES.

CIVIL ACTION NUMBER:

**Defendants.**

**ANSWER OF DEFENDANT'S DALE EUGENE KIRKINDOLL, ELIZABETH S. KIRKINDOLL AND THOMAS HOLT KIRKINDOLL TO PLAINTIFF'S AMENDED COMPLAINT**

COME NOW Defendants, Dale Eugene Kirkindoll, Elizabeth S. Kirkindoll, and Thomas Holt Kirkindoll (“the Kirkindoll defendants”) and hereby answers Plaintiff Progressive’s amended complaint as follows:

1. Admitted.
2. Admitted.

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted to the extent the corporations are organized under the laws of either the state of Alabama or the state of Louisiana. Denied to the extent paragraph 8 denotes any one other than the Kirkindoll defendants is entitled to the monies at issue.
9. Denied based upon lack of information.
10. This paragraph does not require a response from the Kirkindoll defendants.
11. Admitted.

**FIRST AFFIRMATIVE DEFENSE**

Defense Plaintiff's complaint failed to state a ground or a claim upon which release may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defense Progressive has no standing to assert that persons or entitites other than the Kirkindoll defendants who have filed suit or made a claim have a right to any of the interplead proceeds.

**THIRD AFFIRMATIVE DEFENSE**

Defense the Kirkindoll defendants preserve their right to assert other affirmative defendants including claims for attorney fees, costs and interest in the matter.

**FOURTH AFFIRMATIVE DEFENSE**

Defense the Kirkindoll defendats request attorney fees in this matter.

**FIFTH AFFIRMATIVE DEFENSE**

Defense the Kirkindoll defendants assert that the defendants who have failed to answer or otherwise appear in this case are not entitled to the interplead proceeds this substance of this action.

Respectfully submitted,

JACKSON, FOSTER & GRAHAM, LLC  
Post Office Box 2225  
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251-433-6699  
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BY: /s/ SIDNEY W. JACKSON, III  
SIDNEY W. JACKSON, III(JAC024)  
MATHEW B. RICHARDSON (RIC050)

CERTIFICATE OF SERVICE

I hereby certify that I have on this day 25<sup>th</sup> of August, 2006, served a copy of the foregoing pleading with te Clerk of the Court using the CM/CEF system which will send notification of such filing to the following:

R. Larry Bradford, Esq.  
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/s/ SIDNEY W.JACKSON, III